

## BOARD OF SELECTMEN

### Minutes of

February 4, 2008

Chairman McArdle called the meeting to order at 7:30PM. Board members present in addition to Chairman McArdle were Richard Gandt, Steve Clark, Richard Carlson and Boyd Jackson. Of the Selectmen's staff, Town Administrator Virginia Wilder, and Board Secretary Donna Rich, were in attendance. Other persons present were Jane Schraffa and Evleyn Hammond of the Topsfield Cable, Faye Raynard of the Village Reporter, Mike Stucka of the Salem News, Brendon Lewis of the Tri-Town Transcript, Finance Committee members: Mark Lyons, Trudi Perry, Holger Luther, and Stephen Lais, Town Accountant Pam Wood, Superintendent of Highway Dave Bond, Roger Thibault and Chris Ayotte of Enpro, Rail Trail Committee members and Citizens of Neighborhood Information members as noted on the attached attendance sheet.

### APPOINTMENTS:

**7:30 PM - Capital Improvement Plan – Ms. Ginna Wilder, Town Administrator** provided recommendations of the Town's Financial Team with regard to capital expenditures for FY2009. It was noted that the Team tried to stay with the guidelines of \$100,000 established by the Finance Committee for the capital program. There was \$1.7 million dollars in requests received. The Team's recommendations amounting to \$167,645 include:

- Proctor School Door Replacement-\$10,945
- Replacement of P&C Dump Truck-\$28,000
- Replacement of Police Car 14-\$26,700
- Highway/Water Replacement of Backhoe-\$65,000
- Police Station Drainage-\$10,000
- Police Station Elevator Feasibility Study-\$7,000
- Town Hall Roof Repairs-\$20,000

\$65,833 of the above costs are funded by alternate sources. Therefore, the amount to be appropriated from the General Fund or Free Cash is \$101,812. Full report is attached. In addition, although not within FinCom guidelines, replacement of Fire Engine 3 for \$450,000 was recommended with funding to be provided through a Prop 2 ½ debt exclusion override.

**7:50 PM – Update on Status of Route 1 & 97 Intersection – Dave Bond, Superintendent of Highway, Roger Thibault & Chris Ayotte of Enpro.** Dave Bond provided a history of the discovery of an underground gasoline tank at the intersection of Route 1 & 97 that occurred in August of 2007. The land on which the tank was located was taken by the Commonwealth of Massachusetts on behalf of the Town of Topsfield in 1999 without prior approval or knowledge of the Town. The taking was recorded in the registry of deeds. When the tank was removed, Enpro was called to supervise and test the soil for contamination. Due to the Commonwealth's prior action with regard to the land transfer, the Town is on record with DEP as the responsible party for remediation at the site. The original contract with Enpro was for \$3,701 and that money has been exceeded by \$1,304.48. Enpro suggested the Board approve a new contract to include groundwater monitoring well installation, groundwater sampling, MA DEP Reporting and a closure report. Selectman Clark moved to approve the contract with Enpro to expand the scope of work to groundwater monitoring well installation, groundwater sampling, MA DEP reporting and not to exceed the amount of \$13,446.82 and for the Chairman to sign, Selectman Gandt seconded; so voted 5-0. Selectman Clark moved for the balance of the current fees of \$1,304.48 to be paid out of the Selectmen's Professional Services, seconded by Selectman Gandt; so voted 5-0. Selectman Clark made a motion to request funds to be transferred from the Reserve Fund for a total of \$18,452.30 for the unexpected expenses, seconded by Selectman

Gandt; so voted 5-0. There was discussion of holding an executive session to discuss the legal implications of the issue.

**8:06 PM – Rail Trail Project Concerns – Bob Morgan, CNI spokesman – Chairman**

McArdle began by clarifying a few items stated in recent correspondence received from Mr. Morgan and Mr. DeAmario.

- 1) Ethics Commission regarding abutters joining the Rail Trail Committee: Chairman noted that volunteers should contact Joe Geller to become members of the Committee. It was clarified that the Board of Selectmen appoints members of Town committees; the Chair of the Committees presents the volunteer names to the Board for appointment.
- 2) Vegetation placement at 20 Washington Street on Town Property: Chairman McArdle stated no request was received or permission obtained.
- 3) Request for censuring of a Committee: the Chairman noted that will not occur nor will an apology or retraction be issued to the local papers.
- 4) Policing of trespassing of residence on private property: The Chairman noted this is not the role of the Board of Selectmen. Trespassing is a police matter.

Mr. Morgan stated that tonight there were six (6) people who would like to address the Board with questions and seek the Board's opinions on issues. Mr. Morgan presented a petition signed by 111 citizens for an article to be placed on the 2008 Warrant. Selectman Carlson stated that it was his understanding that there are only two questions for the Town regarding this issue: 1) Is the Rail Trail good for the Town and 2) Does the Town want a Rail Trail through it. Mr. Morgan stated he had not heard to date of details of the Debate and that they would need to be fully involved. Ms. Wilder clarified that it would be an Informational Forum. It was noted that the moderator has recently returned from vacation; and, that the details of the forum are being finalized and will be distributed shortly. The Moderator will be in total control of the 30 minute format. Eric Gutowski, 19 Parsonage Lane, addressed the Board requesting the procedure for joining a committee. Selectman Gandt stated that there was an interview process. Mr. Gutowski had a question regarding Mass Highway's involvement in of the Project; Selectman Gandt stated that the project presently is a recreational path with no town funds being used. Joe Geller, Chair of Rail Trail Committee stated that Mr. Morgan has attended many Rail Trail Committee meetings. He noted at the last meeting, the bid specifications for design of the Trail were discussed for submission to Mass Highway. Mr. Geller further commented that Mr. Morgan was in attendance and made no comments as to what was being submitted to the State. The question of emergency vehicles having access to the trail was asked and it was confirmed that if needed they would have access. Ellen Gutowski, 19 Parsonage Lane, questioned the publicity of the project and Selectman Gandt noted that the Rail Trail Committee has had a presence at the Strawberry Festival, Town Expo's, Focus Groups, Web Site and articles in local newspapers. Cathy Morgan commented that the Rail Trail Committee was not quoting information accurately. Selectman Gandt noted he would look into this issue with the Rail Trail Committee. Mike DeAmario asked if the Town would consider taking out a liability insurance plan for the project if the event that hazardous materials are found when soil is disturbed? Selectman Jackson commented that there was no plan to purchase an insurance policy at this time. Mr. DeAmario asked about trash and graffiti on the trail and maintenance of the trail. Dave Keating was to speak, but declined due to the amount of time already spent on the issues. Chairman McArdle finished by stating to Mr. Morgan and Mr. Geller, Chair of Rail Trail Committee that they sit down and discuss the issues that have been repeatedly brought before the Board.

**OLD BUSINESS:**

Verizon Application and Pole Attachment License: Main Street Foundation has requested additional brackets to be placed on Verizon Telephone poles for the display of seasonal banners along Main Street. Selectman Gandt made a motion to approve the application to be submitted to Verizon for the installation of new brackets on fourteen telephone poles and to be signed by the Chairman, seconded by Selectman Clark; so voted 5-0.

MASCO's Response Related to the ABC Program: Ms. Wilder will set up a Working Session next week to discuss this issue.

Order of Taking on Properties on Ipswich Road: Kopelman & Paige has recommended the Order of Taking for the Ipswich Road Project be re-signed by the Board due to the expiration of time lapsing from the date of voting to the filing date. Selectman Gandt made a motion re-approve the Order of Taking as approved at the Annual Town Meeting 2007, Article 36, as relative to the Ipswich Road and Haverhill Street Project, seconded by Selectman Carlson; so voted: 5-0.

### **NEW BUSINESS:**

MASCO Police Resource Officer Position: Police Chief Haglund has submitted a proposal for the Tri-Town School Resource Officer position at MASCO. The amount requested is to be a Warrant Article in the amount of \$7,835.52. Selectman Carlson questioned why the cost was not being included in the MASCO budget. Selectman Gandt would like to view a job description for the position. Chairman will meet with the Police Chief to discuss and obtain data clarifying some of the Board's questions.

16 Maple Street For Sale: Alex Dearborn, owner of 16 Maple Street, is preparing to sell his 11,586 sf mixed-use building with garages and office space located on 2 acres next to the Police Station with an appraised value of \$1.4 million. Ms. Wilder will pass the information to the Town Hall Building Committee and will contact Mr. Dearborn.

New Meadows Market Hours Change: Ms. Wilder will contact owners to clarify the request of hours change for Saturday from 8AM-7PM to be 8AM-5PM.

MASCO Scholarship Foundation Annual Request: Selectman Gandt made a motion to award three (3) Scholarships at \$400 each this year, seconded by Selectman Jackson; so voted: 5-0.

Library Requesting South Common Street Closure: Selectman Gandt made a motion to approve the closure of South Common Street for the purpose of the Summer Reading Kick-off event scheduled for June 20, 2008 from 5:30PM-8PM, seconded by Selectman Jackson; so voted: 5-0.

S.A.F.E. Studio One Day Liquor License: Selectman Gandt made a motion to approve a one-day liquor license to S.A.F.E. Studio, a non-profit organization serving residents of the North Shore including Topsfield, for an event to be held at Willowdale Estate on March 29, 2008 from 7-10PM, seconded by Selectman Jackson; so voted: 5-0.

Highway/Water and Parks & Cemetery Memorandums of Agreement: Selectman Gandt made a motion to accept the MoA with the Highway/Water union with the terms stated commencing 7/1/2007 to 6/30/2010 reflecting the increase in wages for FY08, FY09 and FY10 to be 2.7% each year and including Direct Deposit, seconded by Selectman Jackson; so voted: 5-0.

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### **Town Administrator's Report:**

Please see attached report.

**Correspondence & Reports**

**Correspondence:**

- Warrant Article Request for Page Farm Property, 12 Boston St.
- Warrant Article Request for 30 Wildes Road, New Meadows Enterprises, LLC
- Cottage Place Overhanging Trees issue has been completed by the Park & Cemetery, letter from Steve Mscisz, Commissioner Park & Cemetery.
- M. DeAmario has submitted a letter as an abutter regarding the Rail Trail Project and requesting a response from the Board on some issues.
- Mass Highway Department has provided an update on the progress of the Rail Trail Project from the State's viewpoint.
- Kopelman & Paige has sent a memorandum explaining the regulations regarding licensing of local massage therapists.
- Comcast has submitted Form 500 detailing the number of Town wide complaints.
- Verizon has submitted Form 500 detailing the number of Town wide complaints.

**Reports:**

- Assessors submitted minutes of January 11, 2008
- Conservation Commission submitted CoC for 29 River Rd, OoC for 64 Parsonage Lane and 12 Boston St.
- Rail Trail Committee submitted minutes of September 17, 2007, October 2, 2007 and November 19, 2007
- Web Site Committee submitted minutes of November 28, 2007
- Zoning Board of Appeals submitted minutes of November 27, 2007

**Selectmen Minutes:** Chairman McArdle made the motion to accept the Working Session Minutes of January 19, 2008 as amended; seconded by Selectman Clark; so voted 4-0, Selectman Jackson abstained. Selectman Clark made the motion to accept the Minutes of the January 22, 2008 as amended; seconded by Selectman Gandt; so voted 5-0.

**Warrants:** The Selectmen signed and approved warrants in the amount of \$ **138,231.85** . The breakdown is as follows:

Warrant #FY:	
063T	\$ 79,537.70
064	\$ 58,694.15

At 10:29 PM, Chairman entertained a motion to adjourn; Selectman Carlson seconded the motion, vote: 5-0.

Respectfully submitted,

Donna Rich, Secretary  
Selectmen's Office

*Approved as amended at the February 19, 2008 Board of Selectmen's meeting.*